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 HYPERROLL, INC.

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Attorneys for Defendant, Counterclaimant and Counterclaim
 Defendant
 HYPERION SOLUTIONS CORP.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

HYPERROLL ISRAEL LTD.,

Plaintiff, Counterclaim
 Defendant, and
 Counterclaimant,

v.

HYPERION SOLUTIONS CORP.,

Defendant,
 Counterclaimant, and
 Counterclaim Defendant,

Case No. 05-CV-02431-VRW

**STIPULATION AND ~~[PROPOSED]~~
 ORDER SELECTING ADR PROCESS
 [ADR L.R. 3-5]**

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v.
HYPERROLL, INC.,
Counterclaim Defendant
and Counterclaimant

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- ☐ Non-binding Arbitration (ADR L.R. 4)
- ☐ Early Neutral Evaluation (ENE) (ADR L.R. 5)
- ☐ Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciable more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

☒ Private ADR Mediation (Mediator to be selected by parties)

The parties agree to hold the ADR session by:

☐ the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)

☒ other requested deadline 90 days from the date of the order (parties may request additional time depending upon the availability of mediator)

1 Dated: September 27, 2005

COOLEY GODWARD LLP
WAYNE O. STACY (*pro hac vice*)

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4 Wayne O. Stacy
Attorneys for Plaintiff, Counterclaim Defendant,
5 and Counterclaimant
6 HYPERROLL ISRAEL LTD.

7 Dated: September 27, 2005

COOLEY GODWARD LLP
WAYNE O. STACY (*pro hac vice*)

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9
10 Wayne O. Stacy
Attorneys for Counterclaim Defendant and
11 Counterclaimant
HYPERROLL, INC.

12 Dated: September 27, 2005

THELEN REID & PRIEST LLP
RONALD F. LOPEZ (111756)

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15 Ronald F. Lopez
Attorneys for Defendant, Counterclaimant, and
16 Counterclaim Defendant
17 HYPERION SOLUTIONS CORP.

18 Filer's Attestation: Pursuant to General Order No. 45, Filer's Attestation: Pursuant to General
19 Order No. 45, § X(B), I attest under penalty of perjury that concurrence in the filing of the
20 document has been obtained from all the signatories.
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22 Dated: 09/28/05

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1 **[PROPOSED] ORDER**

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3 Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- 4 ☐ Non-binding Arbitration
5 ☐ Early Neutral Evaluation (ENE)
6 ☐ Mediation
7 ☒ Private ADR (Mediation – Mediator to be selected by parties)

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9 Deadline for ADR session

- 10 ☐ 90 days from the date of this order
11 ☒ other (at least 90 days from date of this order; parties may request additional
12 time depending upon availability of mediator)

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14 IT IS SO ORDERED.

15 Dated: _____

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Vaughn R. Walker, Judge Vaughn R Walker
United States District Court Chief Judge

